

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		<b>Docket Number (Optional)</b>  <b>LB-723-1504</b>	
		Application Number <div style="text-align: center;">10/825,180</div>	Filed <div style="text-align: center;">April 16, 2004</div>
		First Named Inventor <div style="text-align: center;">MIZUKI</div>	
		Art Unit <div style="text-align: center;">3714</div>	Examiner <div style="text-align: center;">Leiva, Frank M.</div>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the <input type="checkbox"/> Applicant/Inventor  <input type="checkbox"/> Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> Attorney or agent of record		<div style="text-align: center;">         _____          /Leonidas Boutsikaris/          Signature       </div> <div style="text-align: center; margin-top: 20px;">         Leonidas Boutsikaris          _____          Typed or printed name       </div> <div style="text-align: center; margin-top: 20px;">         703-816-4894          _____          Requester's telephone number       </div> <div style="text-align: center; margin-top: 20px;">         May 24, 2010          _____          Date       </div>	
<input type="checkbox"/> Attorney or agent acting under 37CFR 1.34. <small>Registration number if acting under 37 C.F.R. § 1.34 _____</small>			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*			
<input checked="" type="checkbox"/> *Total of <u>1</u> form/s are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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## **STATEMENT OF ARGUMENTS**

The following listing of clear errors is responsive to the Office Action mailed January 25, 2010, each of which errors independently should result in reversal and withdrawal of all of the rejections.

### **INDEPENDENT CLAIMS 1 AND 6 ARE NOT ANTICIPATED UNDER 35 U.S.C. §102(b) BY TAKAHASHI ET AL. (US 6,354,944).**

Takahashi does not teach that all of the different characters are made to appear as having the same size regardless of their size.

In Takahashi, each particular object is made to appear as to have the same size regardless of its position in the virtual space, by moving the distance of the virtual camera from the object. More specifically, in Takahashi, the set position of the virtual camera from the player character may depend on the size of the player character. In other words, if the player character is large, then the distance of the virtual camera from the player character is set to be large. On the other hand, if the size of the player character (i.e., that same player character) is small, then the distance of the virtual camera from the player character is set to be small. In Takahashi, this adjustment of the distance of the virtual camera is done for each particular player character.

However, Takahashi does not teach that all of the different characters regardless of their size (“even if any one operating object is selected out of said plurality of operating objects different in size”) are made to appear as having the same size by appropriately changing the viewpoint location for each object.

For example, Figs 8-11 of the instant specification show exactly this feature. Fig. 8 shows three different objects with different sizes before the viewpoint location for each one has been adjusted according to the invention. Object A is seen as large, object B is seen as medium sized and object C is seen as small. After the process of the invention of claim 1 is performed, the view point location for each of the objects A, B and C is set such that all the objects appear to have the same size (see Fig. 9-showing object A, Fig. 10-showing object 10 and Fig. 11-showing object C). As can be seen from Figs. 9-11, all objects appear to have approximately the same size, even though before the application of the claimed process they had different sizes ( $A > B > C$ ).

Takahashi merely teaches to maintain the displayed size of a particular object with respect to itself (e.g., the character shown in Figs. 7-9 of Takahashi in various positions). In fact, Takahashi teaches away from the above feature of claim 1 in Figs. 11-13 of Takahashi. These Figures show how the scene displaying the main character Ch and an enemy character Ch1 is

seen when the viewpoint location of the camera for the main character is at C1 in Fig. 10 (corresponding to Fig. 11), C2 (Fig. 12) and C3 (Fig. 13), see col. 12, lines 32-50. As it can be clearly seen, the respective sizes of the displayed objects Ch and Ch1, Ch and Ch2, and Ch and Ch3, are not the same in these Figures.

Takahashi is concerned with keeping focus on a particular player character so that its size does not change considerably regardless of its position in the game space, not on ensuring that every selected player character appears to have the same size, regardless of the size of the selected player character.

The Examiner stated that “applicant admits that Takahashi does adjust the characters to have the same size regardless of their true size and it is for the viewing by the player only, as is with the present invention”, and also stated that “the claims do not recite the limitation ‘all of the different characters are made to appear as having the same size regardless of their size’, as argued”, see Advisory Action of May 13, 2010.

It appears that the Examiner confuses the adjustment of a particular game character to appear to have the same size regardless of its position in the virtual space in Takahashi with the adjustment of each of the game characters so that they appear to have the same size in the invention of claims 1 and 6. As explained above, Takahashi merely teaches to maintain the displayed size of a particular object with respect to itself (e.g., the character shown in Figs. 7-9 of Takahashi in various positions). In contrast, and as can be seen from Figs. 9-11 of the instant specification, all different objects appear to have approximately the same size, even though before the application of the claimed process they had different sizes.

Regarding the Examiner’s assertion that the claim language does not explicitly recite “all of the different characters are made to appear as having the same size regardless of their size”, Applicant submits that the actual claim language “each of operating objects selected by said selecting programmed logic circuitry is displayed to have approximately the same size, even if any one operating object is selected out of said plurality of operating objects different in size” is essentially the same as the above claim language stated by the Examiner.

For the above reasons, claims 1 and 6 are allowable.

It is respectfully requested that the rejection of claims 2, 4-5 and 7-10, each being dependent from claim 1 or 6, also be withdrawn.